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PATENT
Docket No.: 015662-000900US

On: October 6, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Lois M. Simón
Lois M. Simón

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Micheline Markey, et al.

Application No.: 09/432,881

Filed: November 2, 1999

For: PHARMACOLOGICAL
INDUCEMENT OF THE FED MODE
FOR ENHANCED DRUG
ADMINISTRATION TO THE
STOMACH

Examiner: Edward Webman

Art Unit: 1617

PROVISIONAL ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the requirement for election of species dated May 20, 2004, Applicants provisionally elect the species of claim 50 in which the matrix is polyethylene oxide. This election is made with traverse.

Applicants note that the materials in claim 50 specified for the matrix are all well known materials for use in matrices of pharmaceutical formulations. Indeed, all those except polyethylene oxide are chemically related, being cellulose derivatives.

Applicants are not willing at this time to state that all of the cellulose derivatives so listed in claim 50 are obvious variants of each other, or of polyethylene

Micheline Markey, John W. Shell, Bret Berner
Application No.: 09/432,881
Page 2

PATENT

oxide, as it may be the case that one or another of the named matrices possesses unexpected properties of some type when used in the inventive compositions.

CONCLUSION

Applicants respectfully request examination of claim 50 intact.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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